

Hearing Date: October 19, 2010
Hearing Time: 10:00 AM (EST)

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

vs.

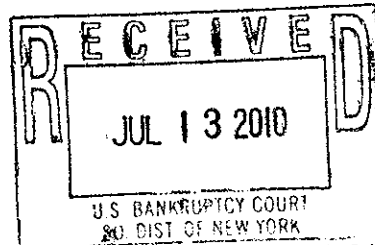
BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.



Bankruptcy Case No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**MEMORANDUM IN OPPOSITION TO TRUSTEE'S MOTION TO AFFIRM
TRUSTEE'S DETERMINATION DENYING CLAIMS OF CLAIMANTS
WITHOUT BLMIS ACCOUNTS IN THEIR NAMES,
NAMELY, INVESTORS IN FEEDER FUNDS**

Pursuant to the Court's Order dated April 13, 2010 (the "Order" [docket no. 2205]),

~~David Carlin Family Investments LLC~~ hereby submits this Opposition to the Trustee's Motion

For An Order to Affirm Trustee's Determinations Denying Claims of Claimants Without BLMIS

Accounts In Their Names, Namely, Investors In Feeder Funds [docket no. 2416], and the

memoranda filed by the Trustee and by SIPC in support of the same [docket nos. 2411 and 2414, respectively].

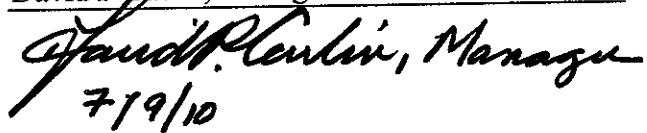
David Carlin Family Investments LLC is an "Objecting Claimant" as defined in the Order. David Carlin Family Investments LLC filed an objection to the Trustee's denial of its claim on the basis that David Carlin Family Investments LLC did not have an account at BLMIS (the "Objection" [docket no. 1302]). The Objection, along with its exhibits (including David Carlin Family Investments LLC customer claim), is attached hereto as **Exhibit 1**.

The Trustee's determination that David Carlin Family Investments LLC is not a "customer" under SIPC because it did not have an account in its name at BLMIS is wrong for the reasons set forth in David Carlin Family Investments LLC Objection. In the interest of preserving judicial resources, David Carlin Family Investments LLC hereby incorporates by reference as if fully restated herein the arguments set forth in the Objection as to why David Carlin Family Investments LLC should be treated as a customer under SIPA. David Carlin Family Investments LLC also hereby joins and incorporates by reference as if fully restated herein the arguments and authority cited in the objections and oppositions filed on behalf of all similarly situated Objecting Claimants as to why the Trustee's determination on the customer issue is wrong.

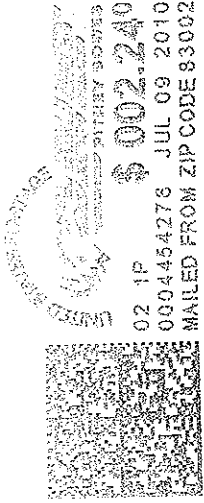
Dated: July 12, 2010

David Carlin Family Investments LLC

David P. Carlin, Manager


7/19/10

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From:

C
David Carlin
PO Box 216
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TO

Clerk of United States Bankruptcy
Court for the Southern District of
New York
One Bowling Green
New York, NY 10004-1408

